



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,173	07/14/2003	Edward R. Price	MLF-001	4997
21874	7590	06/28/2006	EXAMINER	
EDWARDS & ANGELL, LLP				SMITH, JEFFREY A
P.O. BOX 55874				
BOSTON, MA 02205				
		ART UNIT		PAPER NUMBER
		3625		

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/619,173	PRICE, EDWARD R.
	Examiner	Art Unit
	Jeffrey A. Smith	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). ~

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 November 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Art Unit: 3625

DETAILED ACTION

Drawings

The drawings were received on November 24, 2003. These drawings are approved.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The system recites a plurality of "modules" which are interpreted as software, per se. MPEP 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3625

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Clemens et al. (US 2002/0007293 A1).

Clemens et al. discloses a method (par. 0002), system (par. 0062) and article of manufacture (par. 0062) for providing an extended manufacturing environment. The method comprises receiving, at a manufacturer's server, a communication from a customer of the manufacturer (par. 0027); automatically processing the communication at the manufacturer's server (par. 0039-par. 0047); and automatically transmitting an order for supplies from the manufacturer's server to a supplier of the supplies, the supplies needed by the manufacturer to manufacture at least one product for the customer (par. 0049).

The communication comprises an order for the at least one product (par. 0027).

The method further comprises running a simulation to determine whether the order for the at least one product can be filled by the manufacturer (par. 0039).

Clemens et al. discloses that the communication comprises a request to change an existing order (par. 0048). The process is re-executed as orders change (par. 0048). This means that a simulation is run to determine at least one impact of making a change request. The impact may, for example, result in a change in the available delivery date (par. 0039).

Art Unit: 3625

Detailed product quality information is received from the customer at the manufacturer's server (par. 0026).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Natarajan (U.S. Patent No. 4,887,206) discloses the impact of change notices (col. 2, lines 46-50).

Watanabe et al. (U.S. Patent No. 5,307,260) discloses estimation models for prompt display of estimates of specification varied according to the client which helps to evaluate the changing of specification and the specified customer order (col. 7, lines 18-20).

Dudle et al. (U.S. Patent No. 5,570,291) discloses a custom product estimating and order processing system.

Athavale et al. (U.S. Patent No. 6,539,386 B1) discloses methods and apparatus for modifying a customer order.

Hennig et al. (U.S. Patent No. 6,587,827 B1) discloses an order fulfillment processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey

Art Unit: 3625

A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert M. Pond can be reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas